

Exhibit 10



U.S. Department of Justice

Civil Division
Commercial Litigation Branch
Fraud Section

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May 14, 2021

VIA EMAIL

Linda Singer
MotleyRice
401 9th Street N.W., Suite 1001
Washington, D.C. 20004

Dear Ms. Singer:

We are in receipt of your letter dated May 13, 2021, asking whether Thomas Prevoznik would be available to testify at trial if the Court rules that his deposition transcript is not admissible. As the Department of Justice has not received a trial subpoena and *Touhy* request for Mr. Prevoznik's testimony, the Department, including the Drug Enforcement Administration (DEA), have not had an opportunity to evaluate such a request or make a final decision on whether it would be authorized.

However, we note that the Court is not within 100 miles of where Mr. Prevoznik lives or regularly transacts business. Fed. R. Civ. Proc. 45(c). Additionally, Mr. Prevoznik is a senior DEA official with significant responsibilities, and it would be disruptive to DEA's operations for the DEA to make Mr. Prevoznik available for live testimony at each opioid-related trial. For this reason, and pursuant to the Special Master's order¹, the DEA agreed to make Mr. Prevoznik available in the MDL, and he provided detailed deposition testimony for three days in April and May 2019. Accordingly, the DEA has serious concerns about authorizing his testimony in this matter.

¹ Discovery Ruling No. 16 Regarding DEA Deposition Time, *In re National Prescription Opiate Litigation*, 1:17-md-02804-DAP, ECF No. 1386 (N.D. Ohio Feb. 15, 2019).

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Please let me know if you would like to discuss.

Sincerely,

/s/Natalie A. Waites

Natalie A. Waites
Assistant Director
Commercial Litigation Branch
Civil Division